

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
OCT 2 2006  
DAVID J. MALAND, CLERK  
BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

§

§

vs.

§

§

DAVID MICHAEL O'LEARY

§

Case No. 4:06cr154  
(Judge Schell)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, this Court having heretofore referred the request for revocation of Defendant's supervised release to the United States Magistrate Judge for proper consideration. The Court has received the report of the United States Magistrate Judge pursuant to its order.

As Defendant has waived his right to object, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is, therefore,

**ORDERED** that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court. It is further

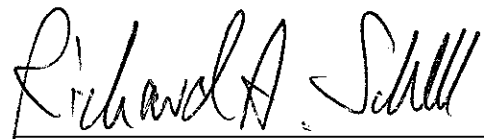
**ORDERED** that Defendant's supervised release is hereby **REVOKED**. It is further

**ORDERED** that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a period of eleven (11) months with no supervised

release to follow. It is finally

**ORDERED** that Defendant pay restitution of \$1,844.40 due immediately payable by cashier's check or money order made out to the United States District Court and forwarded to the Fine and Restitution Section, U.S. Courts, P.O. Box 570, Tyler, Texas 75710.

**SIGNED** this 29<sup>th</sup> day of September, 2006.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is written above a horizontal line.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE